

# PROCEDURES FOR RECOGNITION AS A STATEWIDE OR LOCAL POLITICAL PARTY IN TENNESSEE

## Formation of a Statewide Political Party

In Tennessee a political party is broadly defined as an organization that nominates candidates for public office. TCA §2-1-104(a)(14). The first step in the process for recognition as a statewide political party is the filing of a petition. Such petitions are filed with the coordinator of elections and must be signed by a number of registered voters equal to at least two and a half percent (2.5%) of the total number of votes cast for all gubernatorial candidates in the most recent election for governor [In 2002, a total of 1,653,167 votes were cast for governor. Two and a half percent (2.5%) of that total is equal to 41,329 voters]. The petitions must also be certified as to the registration of the signers by the county election commissions of the counties in which the signers reside. TCA §2-1-104(a)(29).

In order to have its candidates identified on the ballot, a statewide political party must meet one of the following requirements:

- 1.) Within the last four years, have at least one candidate for an office to be elected by voters of the entire state receive at least 5% of the number of votes cast for all gubernatorial candidates in the most recent election for governor; or
- 2.) File with the coordinator of elections a petition signed by registered voters totaling at least 2.5% of the total number of votes cast for governor in the last election for governor. This process assures that the organization will be recognized as a statewide political party for only one (1) year after petitioning. TCA §2-1-104(a)(29).

The Tennessee Supreme Court has held that in order for an existing statewide party to continue its recognition, it must meet the first requirement; for a new party to attain recognition, it must file the necessary petitions prescribed in the second requirement. See MacBride v. Hassler, 541 S.W.2d 591, at 593 (Tenn.Sup.Ct 1976). According to the statute, achieving statewide political party status by filing petitions lasts for only one year. TCA § 2-1-104(a)(29). Unless the party has a candidate who receives a number of votes at least equal to the amount specified in paragraph one above, status of recognition would lapse and the organization would have to file petitions again in order to regain recognized statewide political party status.

After a new political party becomes a statewide political party, its first state executive committee is to be elected at a statewide convention of the party. The chairperson and secretary of the convention must then certify the election of the members of the executive committee to the coordinator of elections no later than 90 days before the next regular August election. The term of the first members of the committee would expire on September 15th after the regular August election in a gubernatorial election year; members of the state executive committee of each party are elected at the regular August election in gubernatorial election years. Committee members are required to take an oath upon election. TCA §2-13-107. Since the names of the executive committee members must be certified to the coordinator of elections by ninety (90) days before the election, the coordinator of elections' office requires that petitions to form a new political party be filed at least thirty (30) days before the qualifying deadline for the state primary held in August of even-numbered years. This allows an administrative period for county election commissions to verify the signatures on the petition and for the coordinator of elections to determine whether the petitions are sufficient to create a new party. After this certification is made, the new party may meet and select executive committee members.

As soon as new state executive committee members have been certified to the coordinator of elections, the committee members have all the powers and duties of a state primary board. In this capacity, they are to promptly appoint county primary boards. Five persons are to be appointed for the county primary board in each county. The first members of the county primary board then serve until replaced at a regular meeting of the party which must be held in Nashville in even-numbered years. TCA §2-13-107.

A statewide political party is required to nominate its candidates for four offices -- governor, general assembly members, U.S. Senator, and U.S. Representative -- by primary election. A statewide party may nominate its candidate for other offices to be filled by the voters of more than one county by primary or other method authorized by the party rules. TCA §§2-13-202 and 203.

### **Formation of Local Political Party**

A local political party may be formed in a county or municipality by filing a petition for recognition as a local political party. Such petitions are filed with the county election commission and must be signed by at least 5% of the registered voters of the county or municipality in which the party seeks to nominate candidates.

A local political party may have its candidates identified on the ballot in a county or municipality if either of the following requirements is met:

- 1) At least one of the candidates of the political party must have received at the most recent local election at least 20% of the total vote cast for the office for which he was a candidate; or
- 2) Within one year before an election, the local political party must have filed with the county election commission a petition for recognition as a local political party signed by at least 5% of the registered voters of the county or municipality in which it seeks to nominate candidates.

Local political parties shall nominate candidates by methods, other than primary elections, authorized by the rules of the party. Local political parties may **not** nominate candidates for the following offices: Governor, members of the General Assembly, United States Senator, members of the United States House of Representatives, and other offices to be filled by the voters of more than one county or municipality. TCA §2-13-201. Note also that municipal elections are required by state law to be non-partisan unless the municipality's charter specifically permits partisan elections. TCA §2-13-208.

Before any of their nominees may appear on a ballot, the officers of both statewide and local political parties are required to file the following items with the secretary of state and with the coordinator of elections:

- 1) An affidavit under oath that the party does not advocate the overthrow of local, state, or national government by force or violence and that the party is not affiliated with any organization which does advocate such a policy; and
- 2) A copy of the rules under which the party and its subdivisions operate. Copies of amendments or additions to the rules must be filed with the secretary of state and with the coordinator of elections within 30 days after they are adopted and are of no effect until 10 days after they are filed. TCA §2-1-114.

### **Minimum Requirements for Continuing Recognition of a Statewide or Local Political Party**

A political party would lose its recognition as a statewide political party if it failed to meet one of the following minimum requirements:

- 1) Failed to have at least one candidate for a statewide office in the last four years who received a number of votes equal to at least 5% of the total votes cast for gubernatorial candidates in the most recent election for governor; or
- 2) As a newly established statewide party, failed to have at least one candidate for a statewide office in the year after creation of the party who received a number of votes equal to at least 5% of the total votes cast for gubernatorial candidates in the most recent election for governor. TCA §2-1-104(29).

A local political party would lose its recognition as a political party if it failed to have at least one party candidate for a local office receive at least 20% of the total votes cast for that office at the most recent election. Both local and statewide political parties that lose recognition must re-qualify as outlined above by submitting the petitions required for the establishment of a new political party. TCA §§2-1-104(29) and 2-13-201.